August 28, 2007

Mr. Russ Grubb
Director of Operations & Ag,
Idaho Region
430 7th Ave. South
Buhl, Idaho 83316

Subject: Response to comments on Draft Permit LA-000016-03 for Seneca Foods Inc., Buhl, ID

Dear Russ:

Thank you for meeting with the Department in December 2006 to discuss the Draft Wastewater-Land Application Permit LA-000016-03 (Draft Permit). The purpose of this letter is to respond to all the comments provided. The responses are divided in two parts: Part I contains responses to July 20, 2006 comments letter and Part II contains responses to January 19, 2007 comments letter. The comments are reproduced in italic font and the Department's responses follow.

Part I – responses to July 20, 2006 comments letter

1. *Section D, Facility Information -- please correct the address of CES. Our current address is 444 Hospital Way, Suite 520.*

DEQ response: The address was corrected in the modified draft permit.

2. *Section E, CA-016-01 refers to: "…the latest revision of the Plan of Operation Checklist." We would request that the Permit specify a date of the revision intended, or that DEQ provide a copy, of the latest revision of the Plan of Operation Checklist intended to be used so that we all are in agreement of what version of the checklist should be used.*

   As stated in the Draft Permit, the O&M Manual is intended to be used as an operator guide. As such, an O&M manual should not be used as an enforceable part of the permit; therefore we would request that the last sentence should be deleted that states: "Upon approval, the manual shall be incorporated by reference into this permit and shall be enforceable as a part of this permit."

DEQ response: The latest revision of the Plan of Operation Checklist is found in the Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater, Appendix A.12, page A-82.

Last sentence stating that the O&M Manual shall be enforceable was removed.

3. *Section E, CA-016-05* (DEQ note: in the modified draft permit the compliance activity number changed from 05 to 06) *and Section F refers to buffer zones. Seneca has some significant concerns about how buffer zones are discussed in the Draft Permit. Specifically, Seneca is concerned that they will be out of compliance with the Permit as soon as it is issued due to guidance buffer zone distances to domestic wells that are stated as required distances in Section F.*

    a. *The guidance buffer zone distances should not be specified in the Draft Permit as if they were Rule (Section F – Buffer Zones and Wellhead Protection). The permit should allow buffer zones to be established based on DEQ guidance that takes into consideration site conditions as determined by a well location acceptability analysis, and other site factors and mitigation efforts and as established in a DEQ approved Buffer Zone Plan. Seneca requests that the guidance buffer zone distances are deleted from the Permit in Section F and that instead a compliance activity is added to the Permit or CA-016-05 is reworded to establish buffer zone distances based on a DEQ approved Buffer Zone Plan.*

    b. *As the buffer zone distances are now specified in the Draft Permit, any different buffer zone distance as justified by a well location acceptability analysis or other site considerations would require DEQ to issue a permit modification as discussed in CA-016-05. It does not make sense to issue a Permit and then right away go through a permit modification to provide for lesser justified buffer zone distances. Seneca Requests that CA-016-05 is reworded to allow buffer zone distances to be established based on a DEQ approved Buffer Zone Plan (see comments above) and that the approved Buffer Zone Plan then be referenced in the Permit and shall be enforceable as a part of the Permit.*

    DEQ response: The compliance activity was reworded to allow buffer zone distances to be established based on a DEQ approved Buffer Zone Plan.

4. *Section E, CA-016-06????* (DEQ note: in the modified draft permit the compliance activity number changed from 06 to 07) *specifies that if new groundwater monitoring wells are determined to be necessary they: "…shall be installed within six (6) months of DEQ's approval." The six months completion date should be sufficient time except if the six months occurs over fall and winter when weather conditions are not best for drilling wells. Also well drilling is conditional upon the availability of drillers. Therefore, Seneca requests that the Draft Permit be revised to allow the wells to be installed within twelve months after DEQ approval.*

    DEQ response: The deadline for installation of the new wells (if determined to be needed) was modified to one year after DEQ's approval. The Compliance Activity number was modified to CA-016-07.

5. *Section E, CA-016-07* (DEQ note: in the modified draft permit the compliance activity number changed from 07 to 08) *specifies a Ground Water Investigation Report (Report) be submitted within six months after permit issuance. We would request that this submittal date be revised to twelve months after permit issuance to allow adequate time to prepare the Report.*

   Groundwater monitoring at the Seneca Foods Site has indicated that elevated total iron (Fe), manganese (Mn) and other constituents such as TDS are affected by turbidity in the samples. As suggested by DEQ (Joe Baldwin), samples have been analyzed for total suspended sediment (TSS) to check for the presence of turbidity. The sample results have verified the presence of turbidity and the related effects on Fe, Mn and other constituents. The EPA drinking water standards and the Idaho Ground Water Quality Rule (GWQR) standards (based on the drinking water standards) establish standards based only on total Fe and Mn and unfiltered samples for TDS; therefore the drinking water and GWQR standards are not applicable for determining if groundwater has been degraded based on Seneca monitor well sampling. The Draft Permit should discuss the use of dissolved Fe, Mn, and field filtered samples for TDS as the criteria for determining if the standards are exceeded.

   DEQ response: The deadline for submittal of Ground Water Investigation Report required in this Compliance Activity will be changed from six (6) to twelve (12) months of DEQ's approval.

   One of the comments is "As *suggested by DEQ (Joe Baldwin), samples have been analyzed for total suspended sediment (TSS) to check for the presence of turbidity. The sample results have verified the presence of turbidity and the related effects on Fe, Mn, and other constituents*". However, in his mail to George Spinner dated December 21, 2005 Joe Baldwin only discusses and concurs with the correlation between elevated turbidity and elevated Total iron concentrations at two monitoring wells (MW-4 and MW-5). Also it is requested that "*The Draft Permit should discuss the use of dissolved Fe, Mn, and field filtered samples for TDS as criteria for determining if the standards are exceeded."* As pointed out in Seneca's comments "*The EPA drinking water standards and the Idaho Ground Water Quality Rule (GWQR) standards (based on the drinking water standards) establish standards based only on total Fe and Mn and unfiltered samples for TDS*". While it appears that there is a correlation between elevated turbidity and elevated Total Iron and Manganese in the monitoring wells, DEQ recommends that Seneca continues to analyze for total Fe, Mn, and dissolved Fe, Mn along with TSS. After additional information is compiled a determination could be made whether or not the dissolved values are acceptable.

6. *Section E, CA-016-07* (DEQ note: in the modified draft permit the compliance activity number changed from 07 to 08) *also specifies that Water Quality Improvement Plan (WQIP) be submitted for areas where ground water quality standards have been exceeded as identified in the Report. The Draft Permit*

utilizes the terms "best management practices", "best practical methods" and "maximum extent possible".

a. *Are "best management practices" defined or catalogued by DEQ for groundwater quality improvement efforts? If so, would DEQ provide a reference to Seneca/CES. If not how will DEQ determine what is a best management practice?*
b. *Are "best practical methods" defined or catalogued by DEQ for groundwater quality improvement efforts? If so, would DEQ provide a reference to Seneca/CES. If not how will DEQ determine what is a best practical method?*
c. *Meeting Ground Water Quality Rule standards and site background levels may be separate and different criteria. We would request that "and site background levels" be deleted.*
d. *There is no definition for "maximum extent possible" in the Draft Permit, therefore this term appears to be a subjective criterion. Does DEQ have a definition of this requirement and if so would you provide a reference to Seneca/CES. If not how will DEQ determine what is maximum extent possible?*

DEQ response:
Comments 6. a. and b. – Best Management Practices (BMP's) and Best Practical Methods (BPM's) are defined in the Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater, Glossary section, page 2. BMP's definition: "A practice or combination of practices determined to be the most effective and practical means of preventing or reducing contamination to ground water and/or surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water". BPM's definition: "Any system, process, or method that is established and in routine use which could be used to minimize the impact of point or nonpoint sources of contamination on ground water quality". In order to determine if BMPs and BPMs are adequate the Department must use the best professional judgment.

Comment 6. c. - In the Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater and Ground Water Quality Rule (IDAPA 58.01.11) the definition of "site background level" is "The groundwater quality at the hydraulically upgradient site boundary". According to IDAPA 58.01.11 Section 400.05.c regarding the Site-Specific Ground Water Quality Levels "The Department may allow site-specific ground water quality levels, for any aquifer category, that vary from a standard(s) in Section 200 or Section 300, based on consideration of effects to human health and environment, for: c. Situations where the site background levels varies from the ground water quality standard". The Department policy is to maintain or improve ground water quality. However, if upgradient ground water conditions (or site background levels) are above ground water standards land application of wastewater may be allowed or continue if ground water can be shown to improve or be maintained. Professional judgment must be exercised to make a determination on a case by case basis. The language "site background levels" will remain unchanged.

Comment 6. d. – It appears that there may be a typographical error in this comment. The compliance activity of the modified draft permit discusses "maximum extent practicable" not "maximum extent possible". The terminology appears in the Ground Water Quality Rule IDAPA 58.01.11, Section 006.05. regarding the Prevention of Ground Water Contamination and it reads as follows "The policy of the state of Idaho is to prevent contamination of ground water from all regulated and nonregulated sources of contamination to the *maximum extent practical*". Also, in Section 301.02.a of the same rule, is discussed the management of activities with the potential to degrade the General Resource Category Aquifers "Activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the *maximum extent practical*". In order to determine if Best Management Practices (BMP's) and Best Practical Methods (BPM's) are adequate and "will result in ground water quality that meets GWQR standards and site background levels to the maximum extent practicable" the Department must use the best professional judgment.

7. *Section E, CA-016-07, 2), a)* (DEQ note: in the modified draft permit the compliance activity number changed from 07 to 08) *also states that remedial activities that will: "…result in ground water quality that meets GWQR standards and site background levels…" Seneca is uncertain why "site background levels" is specified separately by the DEQ in this compliance activity. The regulatory document is the GWQR; therefore Seneca requests that "site background levels" be deleted.*

   DEQ response: The Ground Water Quality Rule IDAPA 58.01.11 discusses the case when the background levels exceed the groundwater standards in Section 200.03 Natural Background Level: "If the natural background level of a constituent exceeds the standard in this section, the natural background level shall be used as the standard". The language will remain unmodified.

8. *Section E, CA-016-07 2) d)* (DEQ note: in the modified draft permit the compliance activity number changed from 07 to 08) *also specifies that Seneca will offer to provide an alternative domestic water supply for any domestic well exceeding GWQR standards within the area identified in the report. Also in 3) a) the Draft Permit specifies that an alternate water supply for any ground water user whose beneficial use has been impaired within the area identified in the Report.*

   a. *Subsection 2) d) needs to specifically state that exceeding the GWQR standard(s) has been determined to be from the past or present practices of Seneca.*

b. *There is no definition for "impaired" in the Draft Permit therefore this term appears to be a subjective criterion. Does DEQ have a definition of this requirement and if so would you provide a reference to Seneca/CES. If not how will DEQ determine if a groundwater beneficial use is "impaired"? CES would suggest that "exceeding the GWQR standards" be used instead of the term "impaired" in subsection 3) a).*
c. *Subsection 3) a) needs to specifically state that exceeding the GWQR standard(s) (beneficial use impairment) has been determined to be from the past or present practices of Seneca.*
d. *There are other potential acceptable remediation options to providing an alternative or alternate water supply, such as different treatment systems for household treatment or point of use treatment. The Draft Permit needs to be reworded to allow for appropriate alternatives.*

DEQ response: Comment 8.a and 8. c. - In the compliance activity of the modified draft permit Subsection 1) b) it is specified that exceeding GWQR standard(s) is "the result of past/or present wastewater land application practices". Language will be added in the above subsection as well as in the Subsection 2) d) as follows: "the result of past/present wastewater land application by the permittee".

DEQ response: Comment 8.b - In the compliance activity of the modified draft permit Subsection 3) a) it is required from the permittee " to provide an alternate water supply for any ground water user within the area identified in the Report whose beneficial use has been impaired". The Ground Water Quality Rule IDAPA 58.01.11, Section 006.02 titled Existing and Projected Future Beneficial Uses discusses the beneficial uses impairment of ground water "The policy of the state of Idaho is that existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would ***impair*** existing and projected future beneficial uses of ground water and interconnected surface water shall not be allowed". For more clarity, the language will be modified to read "beneficial use has been reduced as result of past or present wastewater reuse activities by the permittee" instead of "beneficial use has been impaired". In order to determine if ground water beneficial use has been reduced the Department must use the best professional judgment.

DEQ response: Comment 8.d - The compliance activity of the modified draft permit, Subsection 3) a) will be modified to allow for alternative solutions to the water supply "The permittee shall offer to supply alternate water supply (such as connection to a public water supply, deepen the well, household treatment, etc) for any ground water user within the area identified in the Report whose beneficial use has been whose beneficial use has been reduced as result of past or present wastewater reuse by the permittee."

9. *Section F, No Runoff -- states that control structures or other BMPs need to be designed and implemented to prevent runoff, except in the event of a 25-year, 24-hour storm event or greater. Seneca has some significant concerns about how*

this section is worded. We believe that the intent of this requirement is to prevent runoff of process water (wastewater) and as such we suggest that Section F needs to be reworded to specifically state "… to prevent runoff of wastewater…"

Seneca currently utilizes practices to prevent runoff of process water from the land application site; however of immediate compliance concern to Seneca is that furrow irrigation is still utilized on some of the management units. When supplemental irrigation water (not mixed with process water) is applied to a furrow irrigated field there is "tailwater" that is returned to the irrigation canal. A literal interpretation of the Draft Permit would indicate that supplemental irrigation tailwater returned to the irrigation canal is "runoff", which would no longer be allowed and cause Seneca's current site management to be in violation of the new Permit. As you recall, we have discussed with you and Dave Anderson, during one of your site inspections, how and when supplemental irrigation water would be considered to be contaminated with wastewater. It was our understanding that if process water is applied separately and allowed to completely infiltrate into the soil, then supplemental irrigation water that is applied after words would not be considered to be contaminated with wastewater. If this is no longer the position of DEQ, we would appreciate a DEQ determination on how furrow irrigation sites are managed.

DEQ response: Language was added in Section F that specifies the type of water "No runoff of the waste water is allowed". Also, the Runoff Management Plan requirement was removed from Section F and added in Section E. Compliance Schedule for Required Activities (see CA-016-09). The "tailwater" generated when supplemental water is furrow irrigated may be returned to the irrigation canal. In order to prevent sediment from the tailwater to enter the canal the following language was added for the Runoff Management Plan: "The Plan shall include BMPs to control supplemental water sediment and prevent it from entering the irrigation canals."

10. *Section F, Maximum COD Loading – provides COD loadings limits. During the meeting on May 10, 2006, at the DEQ Twin Falls offices, we discussed the possibility of land applying baler water at cooperating operator farms based on a site-by-site approval by the DEQ. These sites would not be included in the new permit but would be approved separately based on site specific proposals submitted to the DEQ. Because this in an important consideration for Seneca to manage the baler water and to comply with COD loading limits, we would request that some language be provided in the Draft Permit to allow this option.*

    DEQ response: A category titled "Baler water" was added in Section F. Permit Limits and Conditions. The Department will determine on a site-by-site basis the conditions and loading limits for applying the baler water. Also, monitoring requirements for baler water were added in Section G of the permit.

11. *Section F, Construction Plans – states that: "Within 30 days of completion of construction, the permittee shall submit as-built plans for review and approval." If the construction or modifications were completed as per the original plans and specification then a letter providing as-built certification should be acceptable in lieu of submitting as-built plans. This requirement should be reworded to allow for this accepted engineering option. Also the wording of the first sentence requiring detailed plans and specifications prior to construction or modifications of all wastewater facilities associated with the land application system is a very general statement. Although Seneca/CES realizes we can work with the Twin Falls DEQ office on a case-by-case situation as to whether detailed plans and specifications are required for construction activities, we would request that the DEQ revise this boiler plate language to be more specific as to the definitions for "modifications" and "all wastewater facilities*[RBH2]*".*

    DEQ response: The language was modified to allow when appropriate the certification of the construction in lieu of submittal of as-built plans.

    The requirement for detailed plans and specifications prior to construction or modification of all wastewater facilities associated with the land application system or expansion is based on Idaho Administrative Code for Reclamation & Reuse of Municipal & Industrial Wastewater IDAPA 58.01.17, Section 401. (Plan and Specification Review). This Code as well as IDAPA 58.01.16. Section 401 (Review of Plans for Nonmunicipal Wastewater Treatment or Disposal Facilities) are providing clarification regarding this permit requirement.

12. *Section F, Buffer Zones and Wellhead Protection – please refer to comments (3. above) related to significant concerns on how buffer zones are specified in the Draft Permit.*

    DEQ response: See DEQ's response for Comment 3.

13. *Section F, Supplemental Irrigation Water Protection – states that "…DEQ-approved backflow prevention devises are required." We would request that this sentence be reworded as follows: DEQ approved backflow prevention devices or an acceptable air gap is required.*

    DEQ response: Language was added to allow for alternatives devices and to describe the frequency of the testing as follows "The backflow prevention devices shall be tested for proper operation annually as required in Section G. Monitoring Requirements. DEQ approved permanent structures such as air gaps if used need to be tested only when physical changes are made to the structures". Also, language was added in Section G. Monitoring Requirements language was added discussing the air gaps prevention devices.

14. *Section F, Odor Management – the reference to "CA-016-0x" should be corrected to CA-016-02.*

DEQ response: The number for compliance activity requiring an Odor Management Plan changed to CA-016-03. The correction was made in the modified draft permit.

15. *Section F, Posting – Seneca/CES question DEQ's reasoning for the posting requirement, which appears to be a unique requirement in this Draft Permit compared to other food processor permits. The current DEQ Guidance does not suggest posting at industrial land application sites. Seneca does not have any domestic wastes in the process water that is conveyed to the land application site; therefore, Seneca's land application activities should not pose any public health risk, as may be the case with a municipal effluent land application sites. We would request that the posting requirement be deleted from the Permit.*

    DEQ response: Although Seneca does not have any domestic wastes in the process water, the posting is needed to protect public health and prevent aesthetic impacts or public nuisance conditions. The Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater, Section 6.5.3 Industrial Buffer Zones (Table 6-7) recommends posting in suburban or residential areas The posting requirement language was modified to read "The Department recommends that posting be installed at the land application areas indicating irrigation with reclaimed water".

16. *Section G, 1) states that: "A description of approved sample collection methods, appropriate analytical methods and companion QA/QC protocol shall be included in the Operation and Maintenance Manual." Seneca suggests that this requirement (a QA/QC Plan or also known in other permits as the Sampling and Analysis Plan – SAP) should be a separate Compliance Activity (please see prior comment regarding CA-016-01).*

    DEQ response: A Compliance Activity requiring a Sampling and Analysis Plan was added. The language was changed in Section G) 1) to "A description of approved sample collection methods, appropriate analytical methods and companion QA/QC protocol shall be included in the Sampling and Analysis Plan (see Compliance Activity CA-016-02 in the modified draft permit)".

17. *Section G, Monitoring Table – specifies a 24-hr composite effluent sample. As you know, Seneca monitors and reports both process water and clean up water separately.) A 24-hr composite sample is not possible for clean-up water because clean-up occurs only for approximately 3 hours. We realize the intent of the Permit monitoring requirements and the QA/QC plan is to obtain representative samples. A 24-hr composite may also not provide the best representative sample for process water; therefore, this is a topic worth evaluating as part of the development of a QA/QC plan or SAP (see comment 15).We would suggest that the "24-hour" be deleted and the Monitoring Table be reworded so that the composite sampling protocol is a requirement of a QA/QC plan.*

DEQ response: In Section G. Monitoring Requirements the description of the type of monitoring sample for the effluent was changed to "Wastewater quality into land application system – composite sample (see Compliance Activity CA-016-02, Sampling and Analysis Protocol (SAP))". Also, in the Compliance Activity CA-016-02 a requirement for effluent sampling methodology for the interim period (from permit issuance until SAP approval) was included: "In the interim, in cases where a 24 hours composite sample of the effluent is not possible the sampling procedure(s) for the effluent monitoring shall be submitted to DEQ for review and approval prior to effluent irrigation to land application,"

18. *Section G, Monitoring Table –specifies that supplemental irrigation water be monitored daily by a flow meter or calibrated pump rate. Seneca foods does plan to install flow meters on the new pivot irrigation machines; however, there is no way to install flow meters or to measure flow by calibrated pump rates for the furrow irrigated fields where the supplemental irrigation water is delivered by gravity from the canal system. We request that this wording be deleted from the Permit and instead specify that supplemental irrigation water volume be calculated for furrow irrigation fields as Seneca has done in the past, which is based on water delivered (monitored and controlled) by the canal company. The method used for this year is shown below.*

    - *The canal company is delivering ¾ of a miners inch of water per acre, which is 6.75 gallons per acre per minute (1 miners inch = 9 gallons per minute).*
    - *This equals 9,720 gallons per acre per day (6.75 gallons per minute x 60 minutes per hour x 24 hours per day).*
    - *Seneca multiplies the days a crop is irrigated by this number. For example if a field of barley is irrigated for 60 days then that field receives 583,200 gallons of supplemental irrigation water per acre (9,720 gallons per acre per day x 60 days).*
    - *The tailwater returned to the canal is subtracted from this amount, which is the amount reported annually.*

    DEQ response: The monitoring flow requirement for the supplemental irrigation water was modified in Table G to "Flow meter and best professional estimate for furrow irrigation system". Please clarify how the amount of tailwater is determined. Also, see comment to question 26.

19. *Section G, Monitoring Table – also specifies that supplemental irrigation water volume to each HMU is reported monthly and annually. We would request that the requirement to "report monthly" be deleted. We see no benefit to either Seneca or DEQ to submit monthly reports.*

DEQ response: The requirement was changed for supplemental irrigation water and the flow of wastewater into land application system to "record monthly and report annually". Also, the volume of the Irrigation Water Requirement (IWR) was changed to "calculate monthly and report annually".

20. *Section H, Standard Reporting Requirements – specifies that Annual Report be submitted no later than January 31, of each year. As you know the Seneca annual report is relatively complex, and has become more so each passing year, necessitating the requests for time extensions for submittal. Although we know we can work with the existing Twin Falls DEQ staff, we do have concerns about how this requirement is worded; therefore we would request that it be reworded to allow the annual report to be submitted by February 28, or each year or that the DEQ will allow a time extension for report submittal as appropriate.*

    DEQ response: The deadline for submittal of the Annual Report was changed to February 28 of each year.

Part II – responses to January 19, 2007 comments letter

Our office received additional comments in a letter dated January 19, 2007 and prepared by George Spinner (CES). The comments are a result of the meeting that took place in December 2006, when we discussed the status of the modified draft permit.

21. *We understand that you will reword the permit language relating to buffer zone distances after you have reviewed the Buffer Zone Assessment and Well Location Acceptability Analysis that was submitted in 2006. We would request that we have an opportunity to review the revised draft permit language regarding buffer zone distances. We understand that a revised Buffer Zone Plan will be required as a permit condition.*

    DEQ response: In the response to your previous Comment no. 3, DEQ concurred and specified that the compliance activity was reworded to allow buffer zone distances be established based on a DEQ approved Buffer Zone Plan. The revised draft permit will be released for public review and comment when finalized. The Department will notify you of the exact date as soon as it will be available.

22. *In response to the compliance activity that requires seepage rate testing for the surge pond in accordance with DEQ procedures or a method approved by DEQ (CA-016-05 in the May 2006 draft) we would propose to conduct an visual integrity inspection of the surge pond instead of conducting a seepage test. The visual integrity inspection would entail draining and cleaning the surge pond,*

and then visually inspecting the concrete basin for cracks or breaks. If cracks or breaks are observed, they will be sealed at that time. A visual inspection, with appropriate maintenance, will be conducted annually. Because the surge basin is relatively small (not a wastewater lagoon) and concrete lined, we believe the visual inspection annually is more effective for preventing leaks than a 15-day seepage test.

DEQ response: The request to perform an annual visual inspection of the surge basin, instead of a seepage test during the life of the permit (five years) was reviewed and the Department concluded that the maximum recommended 0.125 inches/day (3,400 gallons/day) seepage rate can not be estimated by visual observation. The requirement for seepage testing will remain unchanged in the revised draft permit.

23. *In response the draft compliance activity that requires an alternative water supply for domestic well owners or other water user when a Ground Water Quality Rule (GWQR) standard(s) have been exceeded or when other beneficial uses have been impaired (previously CA-016-07 in the may 2006 draft)* (DEQ note: in the modified draft permit the compliance activity number changed from 07 to 08), *we would request that this permit language be deleted from the permit. We believe that any action with third parties, such as surrounding land owners, is beyond the purview of the permit. Furthermore, we believe that with our continued compliant operation and management of the site, this will not be an issue. If Seneca Foods has damaged a neighbors property or beneficial use of groundwater then Seneca Foods will come to some mutual settlement with that neighbor, which may not necessarily be the same as any prescriptive language in the permit.*

Also in this regard, we would request that the definition of all prescriptive terms, such as the term "impaired" be included in the Definitions Section of the permit.

DEQ response: In Comment no. 8 it was requested that some language modifications be made to the compliance activity. Also it was requested a definition of the "impaired" and clarification of how the Department will determine the impairment of groundwater beneficial uses. DEQ determined that the request appeared reasonable and the language has been modified. The Department is commending Seneca for implementing within the past few years several improvements to their wastewater treatment facilities and such taking steps towards protecting the environment and the public health. We believe that Seneca will continue to make improvements at this site. However, as discussed in the response to Comment 8. the Department has the responsibility to ensure that "the existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of ground water and interconnected surface water

shall not be allowed". The revised draft permit will address the comments/questions raised in Comment 8 by modifying the language, as described in the DEQ response. The requirement for an alternative water supply for impacted dwellings will remain in the compliance activity language, in order for the Department to fulfill its responsibilities.

24. *As we discussed in the December 14, 2006 meeting with you, COD loading limits are a concern and allowing the off site application of baler water is an important option that is appreciated. We understand that you will add permit language (Appendix) outlining what is required for site characterization, monitoring and reporting of off-site baler water land application fields. We would appreciate an opportunity to review the new permit Appendix in that regard.*

    DEQ response: The revised draft permit will be released for public review and comment when finalized. The Department will notify you of the exact date as soon as it will be available.

25. *We understand that the discussion regarding posting the land application site has been resolved in correspondence between you and Russ subsequent to our December 14, 2006 meeting and that you have agreed to suggest/recommend posting/signage but not require it in the permit.*

    DEQ response: The comment appears to be correct.

26. *During the December 14, 2006 meeting we discussed how supplemental irrigation water is calculated for the furrow irrigated fields. As a clarification, the volume of tailwater that is returned to the irrigation canal can not be calculated and therefore it has not been subtracted from the calculated volume applied to a field. Consequently the amount of supplemental irrigation water that is calculated for the furrow irrigation fields is an overestimate. Seneca Foods manages the furrow irrigation fields to minimize the volume of tailwater.*

DEQ response: Thank you for the clarification.

Please find attached the modified draft permit. If you have any questions please give us a call at 208.736.2190.

Sincerely,

Olga Cuzmanov
Associate Engineer

Attachment: Seneca Foods Inc. Wastewater Reuse Application Permit draft LA-000016-03

cc: Doug Howard, Regional Administrator-DEQ TFRO, w/out attachment
David Anderson, Engineering Manager-DEQ TFRO, w/out attachment
Rick Huddleston, Program Manager, Waste Water – DEQ SO, w/out attachment
Doug Thorson, Seneca Foods Inc., with attachment
George Spinner, CES, with attachment
WLAP Source file LA-000016-03 (TFRO&SO), with attachment